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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 3/26/07

UNITED STATES OF AMERICA,)	No. CR 07-00058 RMW
Plaintiff,)	
v.)	STIPULATION AND <input type="checkbox"/> ORDER EXCLUDING TIME
MATTHEW KEI ENDO,)	
Defendant.)	SAN JOSE VENUE

On February 26, 2007, the undersigned parties appeared before the Court for a status hearing. At the hearing, the parties each explained that due to changes in the law, they would need additional time to complete the discovery process. Specifically, the defendant is charged with possession of child pornography, and under the recent Adam Walsh Act, the government cannot provide defense counsel with copies of child pornography obtained during its investigation of the defendant. Therefore, the parties need to work out a process whereby the defense will be afforded an opportunity to thoroughly review such evidence. In addition, the parties requested an exclusion of time under the Speedy Trial Act from February 26, 2007 until April 30, 2007. The government recently provided AFD Nick Humy with discovery and he needs an opportunity to

review it. Moreover, the parties need to complete review of the digital evidence as described above. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED:

SCOTT N. SCHOOLS
United States Attorney

DATED:

/s/
SUSAN KNIGHT
Assistant United States Attorney

DATED:

/s/
NICK HUMY
Assistant Federal Public Defender

The Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from February 26, 2007 until April 30, 2007. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 3/26/07

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge